

REMARKS

A. Remarks Related to Non-Compliance Notice ("Notice")

Applicants have revised claims 3 and 41 to correct their status identifier.

Accordingly, Applicants respectfully submit that they have complied with the requirements of the Notice.

B. Substantive Remarks

Applicants wish to thank the Examiner for indicating that the subject matter of claim 29 would be allowable if claim 29 were rewritten in independent form.

Claims 29, 42, 43, 55 and 56 have been cancelled without prejudice to, or disclaimer thereof, the subject matter therein. The subject matter of claim 29 has for the most part been placed into amended claim 20. The subject matter of claims 42 and 43 has been placed into amended claim 41. Claims 55 and 56 have been cancelled because it appears that the subject matter is already covered by one or more of the remaining claims.

The Objections to Claims 18 and 19

Applicants note that they have revised claims 18 and 19 as suggested by the Examiner. These revisions involve a typographical error and are, therefore, unrelated to the patentability of these and other claims.

The Section 102 Rejections

(i.) Claims 1-3, 7, 10-13, 17 and 30-31

Claims 1-3, 7, 10-13, 17 and 30-31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6, 097,771 to Foschini ("the '771 Patent"). Applicants respectfully disagree and traverse this rejection for at least the following reasons.

As indicated in the attached Declaration under 37 C.F.R. §1.132 ("the '132 Declaration"), the sole inventor of the '771 Patent is the same as one of the co-inventors in the present application. Therefore, Applicants respectfully submit that the Section 102(e) rejection is inappropriate because the present application and the '771 Patent are not "by another" as is required by Section 102(e). Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1-3, 7, 10-13, 17 and 30-31.

(ii.) Claims 20-28, 55 and 56

Claims 20-28, 55 and 56 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,473,467 to Wallace et al. ("Wallace").

Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants respectfully submits that the rejection of claims 20-28, 55 and 56 is now moot given the amendments included in the present response. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 20-28.

(iii.) Claims 41-54

Claims 41-54 were rejected under 35 U.S.C. §102(e) as being anticipated by Wallace. Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Applicants respectfully submit that the amendment to claim 41 now renders moot the rejections based on Wallace. Applicants respectfully request withdrawal of the pending rejections and allowance of claims 41 and 44-54.

The Section 103 Rejections

(i.) Claims 4-6, 8, 9, 14-16, 18 and 19

Claims 4-6, 8, 9, 14-16, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '771 Patent in further view of Walton, U.S. Patent Application No. 2002/0154705 A1 ("Walton").

As stated above, Applicants have submitted a §1.132 Declaration which, in effect, removes the '771 Patent as prior art. Accordingly, Applicants respectfully submit that the rejections of claims 4-6, 8, 9, 14-16, 18 and 19 are now moot.

Applicants respectfully request withdrawal of the pending rejections and allowance of claims 4-6, 8, 9, 14-16, 18 and 19.

(ii.) Claim 32

Claim 32 was rejected under 35 U.S.C. §103(a) as being unpatentable over the '771 Patent in further view of Jon, U.S. Patent 6,389,000 ("Jon").

Applicants respectfully submit that the §1.132 Declaration renders this rejection moot. Applicants respectfully request withdrawal of the pending rejection and allowance of claim 32.

(iii.) Claims 33-40

Claims 33-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '771 Patent in further view of Walton. Applicants respectfully submit that the pending rejections are moot in light of the submission of the §1.132 Declaration set forth above. Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 33-40.

C. Submission of Signed Declaration

Enclosed is a copy of a Declaration under 37 CFR §1.132 signed by Gerald J. Foschini. The copy previously filed did not contain Mr. Foschini's signature. Applicants apologize for this unintentional oversight.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a two (2) month extension of time for filing a reply to the outstanding Office Action and submit the required \$450.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

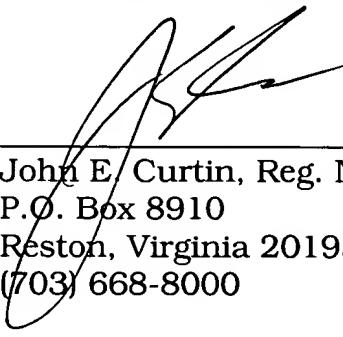
In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By


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